

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 04-10122-RWZ
	)	
RENALD JEAN-BAPTISTE	)	

ASSENTED-TO MOTION TO MODIFY CONDITIONS OF PROBATION

The defendant Renald Jean-Baptiste respectfully moves this court to modify one of his conditions of probation in this case. As background, this court placed Mr. Jean-Baptiste on probation for one year on August 19, 2004 following his guilty plea to a charge of passport fraud. The defendant makes this motion pursuant to 18 U.S.C. §3563(c) and F.R.C.P. 32.1(c). One of the so-called standard conditions of probation on the judgment prohibits Mr. Jean-Baptiste from leaving the judicial district of his supervision without the express permission of his probation officer. Mr. Jean-Baptiste seeks modification of this condition so that he may travel outside the Southern District of New York in order to work.

The court may recall that Mr. Jean-Baptiste is a modern and jazz dancer who makes his living by dancing in revues. A good deal of his work involves dancing engagements outside the immediate area of New York City. As his probation conditions stand now, he cannot work outside Manhattan without getting the

permission of his probation officer every time he needs to leave the city. He has prospective dance engagements starting the first week of October in Florida. Quite obviously, Mr. Jean-Baptiste wishes to take these jobs but cannot do so without a modification of his probation conditions.

18 U.S.C. §3563, which sets forth mandatory and discretionary conditions of probation, does not require a sentencing court to restrict a probationer's travel to any single judicial district. Restrictions on a probationer's travel may be placed as a discretionary matter. 18 U.S.C. §3563(b)(14). By this motion, the defendant is asking that the condition that he not leave the Southern District of New York without the express permission of his probation officer be rescinded. Instead, undersigned counsel proposes that Mr. Jean-Baptiste be required to report telephonically to his probation officer when he is outside the Southern District on a basis to be determined by the court, e.g., every 48 to 72 hours.

Counsel has conferred with Assistant United States Attorney Donald Cabell about this motion to modify the defendant's probation conditions. Counsel represents that Mr. Cabell concurs in this request.

WHEREFORE, the defendant respectfully requests that this motion to modify the terms of his probation be granted.

Respectfully submitted

By his attorney,

/s/ Syrie D. Fried

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